

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ROSALIA LOPEZ,

Petitioner

v.

ALBERTO GONZALES, ET AL.

Respondent

) Courtesy Copy --

) Do Not Scan

) Civil Action No.
) 05cv11338-WGY

MOTION TO DISMISS

Respondent¹ moves to dismiss this action pursuant to Fed. R. Civ. P. Rule 12(b)(1) for lack of subject matter jurisdiction.

Respondent also files herewith its Memorandum of Law in

Support of Motion to Dismiss.

*Allowed because Congress has
lodged sole jurisdiction of appeals
and petitions for habeas
corpus in immigration cases
in the Courts of Appeal.
Ryan W. Zabel
6/27/05*

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: s/Frank Crowley
FRANK CROWLEY
Special Assistant U.S. Attorney
Department of Homeland Security
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Boston, MA 02114
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¹ The responsive official of the Department of Homeland Security responsible for enforcement of petitioner's removal order in the instant action is Bruce Chadbourne, Field Office Director for Detention and Removal, Department of Homeland Security, Bureau of Immigration and Customs Enforcement ("ICE") in Boston, Massachusetts. See 28 U.S.C. § 517 (providing for the appearance of the Department of Justice "to attend to the interests of the United States in a suit pending in a court of the United States").

Certification Under L.R. 7.1(A) (2)

The undersigned counsel for respondent certifies that he attempted unsuccessfully to confer with counsel for petitioner in good faith to resolve or narrow the issue(s).

CERTIFICATE OF SERVICE

I hereby certify that I caused true copy of the above document to be served upon counsel for petitioner by mail on June 27, 2005.

s/Frank Crowley

FRANK CROWLEY

Special Assistant U.S. Attorney

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